

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

EARL L. TABRON, JR.

Plaintiff

V.

RADIOSHACK, JOHN V. ROACH,
GEORGE KUNNEY AND
DARRYL J. FERRARA

Defendant

No.: 02-CV-2695

JURY TRIAL DEMANDED

ORDER

____AND NOW, this day of , 2003, upon consideration of defendant, George Kuney's Motion to Compel Self Executing Disclosures and Responses to Interrogatories and Requests for Production of Documents and any response thereto, it is hereby ORDERED and DECREED that said Motion is GRANTED. Plaintiff shall provide Self Executing Disclosures, and answer defendant George Kuney's Interrogatories and Requests for Production of Documents within ten (10) days of the date of this order or risk further sanctions upon application to this Court which may include dismissal of the Complaint. IT IS FURTHER ORDERED that the plaintiff pay \$250.00 in sanctions to defense counsel for costs associated with the filing of this motion.

J.

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FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

EARL L. TABRON, JR.

Plaintiff

v.

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**GEORGE KUNNEY'S MOTION TO COMPEL PLAINTIFF'S SELF
EXECUTING DISCLOSURES AND RESPONSES TO INTERROGATORIES
AND REQUESTS FOR PRODUCTION OF DOCUMENTS**

Defendant, George Kuney, incorrectly designated as George Kunney, through his attorneys, Bennett, Bricklin & Saltzburg, LLP, hereby move this Honorable Court for an Order compelling the Plaintiff, Earl Tabron, Jr., to provide self executing disclosures and provide complete and specific answers to defendant's Interrogatories and Requests for Production of Documents, and in support thereof defendant avers as follows:

1. Plaintiff commenced the instant civil action alleging employment discrimination by filing a civil action in the Federal District Court for the Eastern District of Pennsylvania on May 6, 2002.
2. On or about April 22, 2003, counsel for the defendant served upon plaintiff's then attorney, Wendell Cooper-Porter, Interrogatories and Requests for Production of Documents directed to plaintiff pursuant to Fed. R. Civ. Pro. 33 and 34. See Exhibit "A."
3. By Order dated April, 30, 2003, this Honorable Court granted plaintiff's counsel's motion to withdraw from this action. See Exhibit "B."

4. No other counsel has entered an appearance and plaintiff still has not provided self executing disclosures or responses to moving defendant's written discovery.

5. Pursuant to the Court's April 30, 2003 Order, discovery is scheduled to end on July 31, 2003. See Exhibit "B."

6. On June 16, 2003, the undersigned sent a letter to plaintiff at his home address, return receipt requested, providing another copy of the written discovery requests and again requesting responses to the outstanding discovery. See Exhibit "C."

7. To date, the return receipt has not been returned, and plaintiff has not contacted the undersigned, nor has he contacted any other defendant concerning his overdue discovery responses.

8. George Kuney will be prejudiced if plaintiff continues to ignore his obligations in providing self executing disclosures and in responding to written discovery. The discovery end date is fast approaching and we have not received any discovery from the plaintiff.

WHEREFORE, defendant, George Kuney, respectfully requests that this Honorable Court order plaintiff to provide complete and specific answers to defendant's Interrogatories and Requests for Production of Documents within ten (10) days or suffer the imposition of appropriate sanctions upon further application to this court, which may including dismissal of his Complaint.

BENNETT, BRICKLIN & SALTZBURG LLP

By: _____
Daniel C. Moraglia, Esquire
Attorney for Defendant, George Kuney

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VERIFICATION

I, Daniel C. Moraglia, Esquire, hereby verify that I am attorney for defendant, George Kuney, and that the facts set forth in the foregoing motion to compel are true and correct to the best of my knowledge, information and belief. I understand that false statements herein made are subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

Daniel C. Moraglia, Esquire

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CERTIFICATE OF SERVICE

I, Daniel C. Moraglia, Esquire, hereby certify that a true and correct copy of the foregoing motion to compel has been filed and served this date upon all interested counsel by way of United States Regular First Class Mail, postage prepaid, addressed as follows:

Mr. Earl L. Tabron, Jr.
7329 Ogontz Avenue
Philadelphia, PA 19138
Pro Se

David A. Rapuano, Esquire
Archer & Greiner, P.C.
One South Broad Street, Suite 1620
Philadelphia, PA 19107
Attorney for RadioShack

Michael W. Herbert, Esquire
22 Chambers Street
Princeton, NJ 08542
Attorney for Darryl J. Ferrara

BENNETT, BRICKLIN & SALTZBURG, LLP

BY: _____
Daniel C. Moraglia, Esquire
Attorney for Defendant, George Kuney

DATE _____